

# Michael Faillace & Associates, P.C.

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February 2, 2021

**Via ECF**

Honorable John P. Cronan, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: 20-cv-04323-JPC-RWL; Garcia. et al v. Francis General Construction, Inc., et al.**

Your Honor:

This office represents Plaintiff in the above-referenced matter. We write to request permission to withdraw as attorneys for Plaintiff Lluilema Garcia ("Plaintiff"), pursuant to Local Civil Rule 1.4.

This request is necessary because Plaintiff has failed to cooperate with the prosecution of this matter. This office has attempted to reach Plaintiff by phone, and has sent the Plaintiff a letter, both in English and Spanish, urging him to contact us (Exhibit "A").

To date, despite our efforts, Plaintiff has not responded. Accordingly, we see no choice but to seek to withdraw as counsel for Plaintiff. We will not be asserting a charging or retaining lien. We are serving this application, both in English and Spanish, upon Plaintiff's last known home addresses and upon the Defendants.

If the Court requires any additional information for this application, we will provide it. We thank the court for its attention to this matter.

Respectfully Submitted,

/s/ Michael Faillace

Michael Faillace

MICHAEL FAILLACE & ASSOCIATES, P.C.

Attorneys for Plaintiffs

Cc: (Via First Class Mail)

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The Court GRANTS Plaintiff's counsel's request to withdraw from this matter. Within 30 days of the filing of this Order, Plaintiff Jose Antonio Lluilema Garcia shall retain new counsel or submit a letter to the Court indicating that he wishes to proceed *pro se*, or without representation. If Plaintiff fails to do this, the Court may dismiss this case without further notice.

The Clerk of Court is respectfully directed to mail a copy of this Order to all addresses listed above. The Clerk of Court is respectfully directed to terminate Jesse Barton and Michael Faillace as counsel in this matter.

SO ORDERED.

Date: February 2, 2021

New York, New York

  
JOHN P. CRONAN  
United States District Judge